
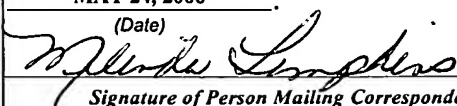




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TRANSMITTAL LETTER (General - Patent Pending)					Docket No. 3829.02-1
In Re Application Of: WILLIAM J. WECHTER, ET AL.					
Application No. 10/734,687	Filing Date 12/11/2003	Examiner PAUL C. MARTIN	Customer No. 23308	Group Art Unit 1655	Confirmation No. 1208
Title: METHODS FOR SCREENING COMPOUNDS FOR USE IN THE TREATMENT OF DISEASE					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is:					
1. TRANSMITTAL LETTER;					
2. RESPONSE TO RESTRICTION REQUIREMENT DATED MAY 5, 2006 (2 PAGES); AND					
3. POSTCARD.					
in the above identified application.					
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 _____ Signature			Dated: MAY 24, 2006		
HANA VERNY (REG. NO. 30,518) PETERS, VERNY, JONES, SCHMITT & ASTON LLP 425 SHERMAN AVENUE, SUITE 230 PALO ALTO, CA 94306 TEL: (650) 324-1677 FAX: (650) 324-1678					
CC:			<div>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on MAY 24, 2006 (Date)  _____ Signature of Person Mailing Correspondence MELINDA TOMPKINS _____ Typed or Printed Name of Person Mailing Correspondence</div>		



CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450, on May 24, 2006.

Signature Melinda Tompkins

Date May 24, 2006

Name: MELINDA TOMPKINS

PATENTS

Attorney Docket No. 3829.02-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

William J. Wechter, *et al.*

Serial No.: 10/734,687

Group Art Unit: 1655

Filed: December 11, 2003

Examiner: Paul C. Martin

Title: Methods for Screening Compounds for Use in the Treatment of Disease

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Response to Restriction Requirement

This is responsive to the Restriction Requirement in the Office Action dated May 5, 2006, from the U.S. Patent and Trademark Office in the above-identified patent application.

Restriction was required under 35 U.S.C. §121 to one of the following inventions:

Group I – Claims 1-11 and 30, drawn to a method for screening a compound, classified in class 435, subclass 7.1.

Group II – Claims 12-22, 31 and 32, drawn to a method for screening a small organic compound, classified in class 435, subclass 7.21.

Group III – Claims 23-29 and 33, drawn to a method for screening a small organic compound, classified in class 435, subclass 6.

In response thereto and as required in the Restriction Requirement, Applicant elects Group I, namely, claims 1-11 and 30, with traverse.

The Examiner indicated that the various inventions are distinct. Accordingly, the Examiner has determined that the inventions of the various groups are separately patentable over one other. According to M.P.E.P. 802.01 the term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (emphasis in original). Accordingly, the restriction requirement necessarily involved the Examiner's determination at least implicitly that the inventions of the various groups are separately patentable over one other. If this were not the case, then the restriction requirement would not be appropriate.

Furthermore, it follows from the above that art (if such art exists) indicating that the invention of one of the groups is known or would have been obvious would not extend to a holding that the invention of the other group is known or would have been obvious. For example, art that might anticipate or render obvious a method for screening a small organic compound as set forth in Claim 12, and those claims depending therefrom, would not render known or obvious a method for screening a compound as set forth in Claim 1, and those claims depending therefrom, or vice versa. Again, if this were not the case, then the restriction requirement with respect to those claims would not be proper. The above analysis applies equally to the claims of the other groups.

Respectfully submitted,



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